

**REMARKS**

This application has been carefully reviewed in light of the Office Action dated February 13, 2007. Claims 1 to 12 are currently in the application, of which claims 1, 8, and 10 are independent claims. Claims 1-7 have been amended herein. New claims 8-12 have been added. Reconsideration and further examination are respectfully requested.

No new matter is believed to have been introduced to the application by this amendment. The subject matter added to the amended claims are fully supported by the original specification and claims, including, for example, the paragraph at page 15, lines 8-21. The subject matter of the new claims are also fully supported by the original specification and claims, including, for example, claim 1 and the paragraph at page 15, lines 8-21.

**Abstract**

The abstract of the disclosure was objected to because the abstract contained more than 150 words. Applicant has amended the abstract to overcome this objection. Accordingly, reconsideration and withdrawal of the objection to the abstract of the disclosure is respectfully requested.

**35 U.S.C. 101**

Claims 1-7 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

MPEP 2106.01 (I) (Rev. 5) states:

“[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the

computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.”

Claims 1-7 and new Claims 8-9 recite a computer-readable medium and are thus statutory. MPEP 2106.01.

New Claims 10-12 are also statutory because the invention produces a “useful, concrete, and tangible result.” To show that an invention is useful, an applicant need only provide one credible assertion of a particular practical purpose. MPEP 2106 IV.C.2(2)(a) and 2107 II(B)(1). An exemplary practical purpose of the invention is to provide “a generalized specification language for the preboot execution environment. Without a generalized specification language for the preboot execution environment, the specification and management of preboot computing tasks at the central server is highly complex process with many inherent risks.” Present application, page 3, lines 4-7. Thus, the invention is useful.

An applicant can establish that an invention is “concrete” by showing that the process provides a result that is substantially repeatable or that the process produces substantially the same result again. MPEP 2106 IV.C.2(2)(c). Here, the invention is concrete because the steps recited in new Claims 10-12 produce, for example, the following result that is substantially repeatable: a second device (e.g., a client system) having a computing task interpreter and a computing task specification.

An applicant can establish that an invention produces a “tangible result” by showing that the claimed process produces a real-world result. MPEP 2106 IV.C.2(2)(b). Here, the invention produces a tangible result because, for example, the step of generating a computing task specification in a first device indeed produces a real-world result of having a computing task specification in a real-world device (e.g., a server system). The step of transmitting a computing

task interpreter from the first device to the second device produces a real-world result of having a real-world second device (e.g., a client system) with the computing task interpreter. The step of transmitting the computing task specification from the first device to the second device produces a real-world result of having a real-world second device with the computing task specification.

Accordingly, all pending Claims 1-12 are statutory. Reconsideration and withdrawal of the 35 U.S.C. 101 rejections are respectfully requested.

35 U.S.C. 103

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0147974 (“Wookey”) in view of U.S. Patent No. 6,466,972 (“Paul”).

With reference to the particular claim language, amended independent claim 1 is directed to a computer-readable medium including an encapsulated object-oriented polyphase language for specifying computing tasks in multiple phases of generating and executing preboot execution specification. The computer-readable medium comprises a computing task specification generator and a computing task interpreter. A generated computing task specification encapsulates parameters dependent on an execution environment without knowing the execution environment. The generated computing task specification is also polymorphic with respect to the encapsulated parameters, as well as to the multiple phases of generating and executing preboot execution specification.

Independent claim 8 is directed to a computer-readable medium including software code. The computer-readable medium comprises a computing task interpreter and a computing task specification. The computing task specification encapsulates parameters dependent on an execution environment without knowing the execution environment, and is polymorphic with respect to the parameters, as well as to generating and executing preboot execution specification.

Independent claim 10 is directed to a method for specifying computing tasks in multiple phases of generating and executing preboot execution specification. The method comprises generating a computing task specification in a first device, wherein the computing task specification encapsulates parameters dependent on an execution environment of a second device without knowing the execution environment of the second device, and wherein the computing task specification is polymorphic with respect to the parameters, as well as to the multiple phases of generating and executing preboot execution specification. The method further comprises transmitting a computing task interpreter from the first device to the second device, wherein the computing task interpreter is configured to interpret the computing task specification. In addition, the method comprises transmitting the computing task specification from the first device to the second device.

The applied references are not seen to disclose or suggest, alone or in combination, the features of the present invention, particularly with respect to at least the feature of a computing task specification that encapsulates parameters dependent on an execution environment without knowing the execution environment, as recited in all independent claims under consideration.

One advantageous aspect of the invention is described in the specification, for example, at paragraph on page 15, lines 8-21, which states “the present invention provides a powerful, flexible, generalized method of specifying computing tasks in preboot environment. Therefore, encapsulations can be used [to] provide a generalized specification for any class of computing operations, including, but not limited to, general imaging, platform imaging, remote imaging, remote booting, preboot diagnostics, and preboot prepping. Such operations or tasks can be encapsulated in an encapsulation of the present invention even when the ultimate target

destination or client environment is *not known* at the time of definition or specification”

(emphasis added).

Wookey is seen to be generally directed to a networked installation system for deploying systems management platforms. In particular, Wookey is seen to disclose that a host (device at the execution environment) gathers environment information specific to the host and stores the environment information in output files. The output files with the environment information are then transmitted to an installation station (server). The installation station uses the environment information specific to the host to select the appropriate software and to provide systems management software that is better suited for the existing operating environment of the host. Wookey, paragraphs [0013] and [0030]. Accordingly, Wookey creates systems management software for a host, knowing the execution environment of the host, and provides a systems management software specific to the host rather than a generalized software. Wookey is thus not seen to disclose, teach, or suggest at least the feature of a computing task specification that encapsulates parameters dependent on an execution environment without knowing the execution environment.

Paul is seen to be generally directed to a server-based configuration of network computers via machine classes. In particular, Paul is seen to first determine a client-specific hardware configuration (execution environment information) for a remote client computer. For the particular client-specific hardware configuration, an appropriate operation system type, version and language is selected. An administrator also checks to see if a machine class is available that matches the particular client-specific hardware configuration. Knowing the particular client-specific hardware configuration, a machine-specific configuration file is generated that can be loaded onto the remote client computer. Paul, col. 10, line 33 through col.

11, line 13; FIG. 6. Accordingly, Paul generates a machine-specific configuration file for a specific computer, knowing the execution environment of the specific computer. Thus, Paul likewise is not seen to disclose, teach, or suggest a computing task specification that encapsulates parameters dependent on an execution environment without knowing the execution environment.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Applicant's undersigned attorney may be contacted at the address and telephone number set forth below.

No.: 10/787,225

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

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